

AMENDED IN ASSEMBLY APRIL 12, 2010

AMENDED IN ASSEMBLY MARCH 25, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2472

Introduced by Assembly Member Huffman

February 19, 2010

An act to add Section 18941.8 to the Health and Safety Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 2472, as amended, Huffman. Building standards: *pilot program for green innovation-permit program*. ~~building permits.~~

The California Building Standards Law provides for the adoption of building standards by state agencies by requiring all state agencies that adopt or propose adoption of any building standard to submit the building standard to the California Building Standards Commission for approval and adoption. Existing law requires that all building standards shall be administered and enforced and, whenever practicable, written on a performance basis consistent with state and nationally recognized standards for building construction.

Existing law authorizes a city or county to make changes or modifications in the requirements contained in the provisions published in the California Building Standards Code and other specified regulations, including, but not limited to, changes or modifications to green building standards.

This bill would, notwithstanding existing law, authorize ~~a~~ *the County of Marin and another, unspecified* city, county, or city and county to adopt a *pilot program for green innovation building-permit program*

permits to promote and facilitate innovation and research regarding environmentally sustainable building materials, methods, and designs not yet considered or addressed in the state's building codes. The bill would impose certain reporting requirements on ~~the~~ a city, county, or city and county that adopts a pilot program relating to the scope, designs, modifications, administration, and performance measures of the ~~permit~~ pilot program and the permits issued. The bill would also impose specified duties on a city, county, or city and county that adopts a pilot program, including the duty to issue no more than 10 permits per year for a period of 5 years following the adoption of a pilot program pursuant to its provisions. The bill would prohibit, after this 5-year period, the city, county, or city and county from issuing new permits under the pilot program.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Counties of Marin and ____.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Buildings and development have a broad range of impacts
- 4 on human health and the environment, including current and future
- 5 impacts to water quality, water supply, air quality, and the state's
- 6 natural habitats and ecosystems.
- 7 (b) A study by the United States Green Building Council
- 8 indicates that buildings in the United States account for 72 percent
- 9 of electricity consumption, 39 percent of energy use, 38 percent
- 10 of all greenhouse gas emissions, and 14 percent of potable water
- 11 consumption.
- 12 (c) In 2010, the California Building Standards Commission
- 13 adopted green building standards to address a set of risks to public
- 14 health and safety not previously considered or addressed in the
- 15 state's building codes.
- 16 (d) Future buildings will need to reach energy and water
- 17 efficiency levels far beyond present California mandatory minimum
- 18 standards in order to reduce anticipated environmental risks to
- 19 public health and safety and ensure adequate availability of critical
- 20 resources.

(e) There is currently no legal framework that allows innovative green building technologies to be developed on a limited scale in the field before they are allowed or mandated statewide.

(f) Local voluntary *pilot* programs that provide for limited field testing of innovative and efficient sustainable building practices not yet considered or addressed in the California Building Standards Code are needed to augment traditional research for future green building standards. These programs will reduce the imminent impacts of an expanding built environment on the state's economy, quality of life, and natural environment, as well as provide regulators with the opportunity to gain experience with and contribute input to emerging technologies at a small scale before they are called on to regulate them statewide.

SEC. 2. Section 18941.8 is added to the Health and Safety Code, to read:

18941.8. (a) (1) Notwithstanding Section 18941, a city, county, or city and county *specified in paragraph (2)* may adopt a *pilot program for green innovation building-permit-program permits* to promote and facilitate innovation and research regarding environmentally sustainable building materials, methods, and designs not yet considered or addressed in the state's building codes.

(2) *The following cities, counties, or cities and counties are authorized to adopt a pilot program for green innovation building permits:*

(A) *The County of Marin.*

(B) _____.

(b) A city, county, or city and county *specified in paragraph (2) of subdivision (a)* that adopts a *pilot program for green innovation building-permit-program permits* shall do all of the following:

(1) *Adopt a local ordinance that includes the limitations and requirements of the pilot program.*

(2) *Limit the pilot program to green innovation technologies, methods, and materials that improve water efficiency and conservation, energy efficiency, materials conservation, resource efficiency, or environmental quality beyond the minimum levels provided by the state's building standards.*

1 (3) *Require technologies, methods, and materials not specifically*
2 *approved as a green innovation by the program to comply with*
3 *the state's building standards.*

4 (4) *Prohibit the modification of the essential structural, fire,*
5 *and life-safety features of the program.*

6 ~~(1)~~

7 (5) Require the building official, certified by the International
8 Code Council in accordance with Section 18949.28, to administer
9 and enforce these provisions to ensure qualified oversight of the
10 health and safety of buildings permitted under this section.

11 ~~(2) Require environmentally sustainable building materials,~~
12 ~~methods, or designs not yet considered or addressed in the state's~~
13 ~~building codes, while enforcing the broader intent of the California~~
14 ~~Building Standards Code regarding the protection of public health~~
15 ~~and safety.~~

16 ~~(3) Annually limit the program to a maximum of 25 new or~~
17 ~~existing single-family detached dwellings, unoccupied accessory~~
18 ~~buildings, or portions thereof.~~

19 (6) *For a period of five years following the adoption of a pilot*
20 *program pursuant to this section, issue no more than 10 permits*
21 *annually for new or existing single-family detached dwellings,*
22 *unoccupied accessory buildings, or portions thereof. After this*
23 *five-year period, no new permits shall be issued under a pilot*
24 *program.*

25 ~~(4)~~

26 (7) Require performance monitoring and reporting of each
27 permit under this *pilot* program to the ~~local~~ building official for
28 use in assessing the success of each permit.

29 (c) A city, county, or city and county *specified in paragraph*
30 *(2) of subdivision (a)* that adopts a ~~green innovation permit pilot~~
31 program pursuant to this section shall report to the Department of
32 Housing and Community Development on both of the following:

33 (1) Within six months after adoption of the ~~green innovation~~
34 ~~permit pilot~~ program, the building official shall report on the scope
35 and requirements of the program and the types of permits to be
36 issued.

37 (2) Three years after the adoption of the ~~green innovation permit~~
38 ~~pilot~~ program, the building official shall report on the types of
39 permits issued, the number of each type of permit issued, an
40 assessment of the program's success, and recommendations for

1 future revisions to the green innovation permit program and state
2 building standards.

3 (d) A city, county, or city and county *specified in paragraph*
4 *(2) of subdivision (a)* that adopts a ~~green innovation permit pilot~~
5 program shall require that upon resale of a property where a green
6 innovation permit has been issued, that the seller notify the buyer
7 in writing of the building designs and modifications approved
8 under the ~~green innovation permit pilot~~ program for that property.

9 *SEC. 3. The Legislature finds and declares that, because of*
10 *the unique circumstances applicable to the Counties of Marin and*
11 *_____ concerning the environmental impacts of development, a*
12 *statute of general applicability cannot be enacted within the*
13 *meaning of subdivision (b) of Section 16 of Article IV of the*
14 *California Constitution. Therefore, this special statute is necessary.*